

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CHEEMA’S SUPERMARKET,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 17-10055-JGD
UNITED STATES DEPARTMENT)	
OF AGRICULTURE,)	
)	
)	
Defendant.)	
_____)	

**ASSENTED-TO MOTION TO CONTINUE FILING DEADLINE,
EXTEND THE PAGE LIMIT AND FILE CERTAIN EXHIBITS UNDER SEAL**

NOW COMES Defendant and respectfully moves this Court to continue the filing deadline for its summary judgment motion by two days, from August 20, 2018 to August 22, 2018; extend the page limit and permit it to file a brief not to exceed 30 pages; and file any exhibits produced pursuant to the Protective Order in paper and under seal.

As grounds for this motion, Defendant states:

1. This is an action challenging a Final Agency Decision by the U.S. Department of Agriculture’s Food and Nutrition Service (“FNS”) permanently disqualifying Plaintiff, Cheema’s Supermarket (“Cheema’s”), from participating in the Supplemental Nutrition Assistance Program (“SNAP”). At the administrative level, FNS identified nearly 900 transactions that it found to be suggestive of trafficking. (AR 0061-0096).

2. The Corrected Administrative Record is 276 pages (Document No. 38), and the parties also engaged in additional discovery, exchanging written discovery responses and

hundreds of pages of documents, many of which were produced in whole or in part pursuant to the Protective Order entered in this case (Document No. 39).

3. In preparing its summary judgment papers, Defendant seeks to redact any information designated as Confidential pursuant to the Protective Order in its ECF filing, and separately file the unredacted versions in paper and under seal. The process of identifying and redacting the information in its motion papers and exhibits and preparing the under seal filing will take some time.

4. Moreover, the statutory and regulatory scheme under the Food Stamp Act, 7 U.S.C. §§ 2011-2036, is both unique and complicated and, as such, the undersigned Assistant U.S. Attorney believes it would assist the Court if Defendant devotes a substantial portion of its intended brief to the legal background.

5. The factual background is also quite complicated and much of the Court's decision will turn on its understanding of what constitutes trafficking under the Act and whether Plaintiff has established that no violations occurred.

6. Finally, the undersigned Assistant U.S. Attorney returned from annual leave on August 13, 2018, and, although she is working, is somewhat ill. The undersigned Assistant U.S. Attorney will continue to work on the motion papers, however, a few additional days would assist her in completing the brief and corresponding papers.

7. Plaintiff assents to the relief requested in this motion.

WHEREFORE, Defendant respectfully requests that the Court:

- (a) extend the summary judgment briefing deadline by two days, to August 22, 2018;
- (b) extend the page limit and permit Defendant to file a brief not to exceed thirty (30) pages in length; and

- (c) grant leave for Defendant to file any exhibits produced pursuant to the Protective Order via ECF in in redacted form, and file the unredacted exhibits in paper and under seal.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Jessica P. Driscoll
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Dated: August 15, 2018

Local Rule 7.1 Certification

I hereby certify that I conferred with John R. Bitá, III, Esq, attorney for the Plaintiff, who indicated that the Plaintiff assents to the relief requested by this motion.

/s/ Jessica P. Driscoll
Jessica P. Driscoll

Dated: August 15, 2018

Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants by First Class Mail.

/s/ Jessica P. Driscoll
Jessica P. Driscoll

Dated: August 15, 2018

Assistant United States Attorney